

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COSMOKEY SOLUTIONS GMBH & CO. KG,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 18-1477 (CFC)
)	
DUO SECURITY, INC. n/k/a DUO)	JURY TRIAL DEMANDED
SECURITY LLC and CISCO)	
SYSTEMS, INC.,)	
)	
Defendants.)	

**DEFENDANTS' MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendants Duo Security LLC f/k/a Duo Security, Inc. and Cisco Systems, Inc. ("Defendants") respectfully moves to dismiss the claims of enhanced damages for willful infringement and induced infringement in Plaintiff's Second Amended Complaint (D.I. 62) for failure to state a claim upon which relief may be granted. The grounds for this motion are set forth in Defendants' Opening Brief filed contemporaneously herewith.

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/s/ Jennifer Ying

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April 21, 2023

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Systems, Inc.*

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DUO SECURITY, INC. n/k/a)	JURY TRIAL DEMANDED
DUO SECURITY LLC and)	
CISCO SYSTEMS, INC.,)	
)	
Defendants.)	

**[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO
DISMISS FOR FAILURE TO STATE A CLAIM**

The Court having considered Defendants Duo Security LLC's and Cisco Systems, Inc.'s Motion to Dismiss for Failure to State a Claim (the "Motion to Dismiss"), and good cause being shown therefore,

IT IS HEREBY ORDERED, this ____ day of _____, 2023, that the Motion to Dismiss is granted and Plaintiff's Claims in the Second Amended Complaint (D.I. 62) for enhanced damages for willful infringement and induced infringement are DISMISSED WITH PREJUDICE.

Chief, United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on April 21, 2023, upon the following in the manner indicated:

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